

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MATTHEW CLARK and GREGORY)
MALANDRUCCO,)
)
 Plaintiffs,) Case No. 10-cv-1803
)
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 v.)
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)
)
 CITY OF CHICAGO, et al.) Judge Der-Yeghiayan
)
)
)
 Defendants.) Magistrate Judge Cox
)
)
)
) JURY TRIAL DEMANDED

**PLAINTIFFS' REDACTED MOTION TO
UNSTAY DISCOVERY AS TO THE INDIVIDUAL OFFICER DEFENDANTS**

Now come plaintiffs Matthew Clark and Gregory Malandrucco, by and through their attorneys, LOEVY & LOEVY, and respectfully move this Court for entry of an order unstaying discovery as the individual officer defendants. In support of their motion, plaintiffs state as follows:

1. Redacted

2. Redacted

3. In order to move this case forward and amend their complaint, plaintiffs need discovery as to all defendants in this case. Specifically, plaintiffs need to depose the individual officers who responded to the scene and other third parties, as well as conduct written discovery.

4. Plaintiffs are prejudiced by any additional delay in conducting discovery as the parties' and witnesses' memories continue to fade and grow stale.

5. Moreover, the Court struck the individual defendants' motion to dismiss without prejudice, and therefore discovery should no longer stay as to the individual defendants.

6. Per Local Rule 37, plaintiffs and the individual defendants are unable to resolve their dispute regarding whether discovery may proceed without this Court's intervention despite plaintiffs' reasonable efforts to do so. *See* Group Exhibit B.

WHEREFORE, Plaintiffs respectfully request that this Court lift its stay of discovery and order that the individual defendants respond to Plaintiffs' written discovery requests within in thirty days and that they appear for their depositions.

Respectfully submitted,

/s/ Heather Lewis Donnell
Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I, Heather Lewis Donnell, certify that on November 8, 2010, I filed PLAINTIFFS' MOTION TO UNSTAY DISCOVERY, and thereby caused to be served a copy via email on all counsel of record via the Court's CM/ECF filing system.

/s/ Heather Lewis Donnell